

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ROBERT MARTIN,**

**Plaintiff,**

**v.**

**Case No. 2:15-cv-2888**

**CHIEF JUDGE EDMUND A. SARGUS, JR.**

**Magistrate Judge Chelsey M. Vascura**

**OHIO DEPARTMENT OF  
CORRECTIONS, et al.,**

**Defendants.**

**ORDER**

This matter is before the Court for consideration of Plaintiff's Objection (ECF No. 7) to the Magistrate Judge's Report and Recommendation (ECF No. 6). Plaintiff's Objection does not comply with the Court's Order to pay the requisite filing fee, but rather, "reserves the right to amend the mystery pleading." (ECF No. 7). In the Report and Recommendation, the Magistrate Judge reiterated that the Court's May 5, 2016 Order directed Plaintiff to pay the \$400 filing fee within thirty days if he wished to proceed.<sup>1</sup> (May 5, 2016 Order, ECF No. 3). That Order further advised Plaintiff as follows: "If he does not pay the filing fee, the action will be dismissed and will not be reinstated, even upon subsequent payment of the filing fee." *See McGore v. Wrigglesworth*, 114 F.3d 601, 609 (6th Cir. 1997). (*Id.*) Here, more than a year has passed and Plaintiff has not complied with the Court's express order that he pay the \$400 filing fee if he wished to proceed.

---

<sup>1</sup> Plaintiff's motion for leave to proceed *in forma pauperis* (ECF No. 1) was denied (ECF No. 3).

Based on the Plaintiff's continued failure to comply with the Court's Orders and properly prosecute this case, the Magistrate Judge recommended that the case be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. (ECF No. 6.)

For the reasons carefully set forth in the Magistrate Judge's Report and Recommendation, the Report and Recommendation (ECF No. 6) is **ADOPTED**, Plaintiff's Objection is **OVERRULED**, and the case is **DISMISSED WITH PREJUDICE**. The Court hereby directs that this case be dismissed in its entirety.

**IT IS SO ORDERED.**

2-27-2018  
**DATE**

  
**EDMUND A. SARGUS, JR.**  
**CHIEF UNITED STATES DISTRICT JUDGE**